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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CHANDRA HEWES,

Civil No.

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(B)
(DIVERSITY)
DEMAND FOR JURY TRIAL

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT, DISTRICT OF
OREGON, PORTLAND DIVISION:**

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446,
Defendant Target Corporation (“Target”) hereby removes to this Court the case now
pending in Multnomah County Circuit Court as *Chandra Hewes v. Target Corporation*,
Case No. 17CV01026.

**Page 1 - NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(B)
(DIVERSITY)**

As grounds for removal, Target states as follows:

NOTICE OF REMOVAL IS TIMELY

(1) It appears the Complaint was filed on January 13, 2017. Chandra Hewes, an individual, filed a Complaint in this action now pending in Multnomah County Circuit Court as *Chandra Hewes v. Target Corporation*, Case No. 17CV01026. Pursuant to 28 USC §1446(a), all state court papers served on Target at the time of removal, consisting of a summons, complaint, and service documents totaling six pages, are attached hereto.

(1) This Notice of Removal is timely filed under 28 USC §1446(b), which provides that a notice of removal must be filed within 30 days after a defendant receives, by service or otherwise, the initial pleading. As of the date of filing this Notice of Removal, Target had been served with process. Plaintiff served Target through its Registered Agent, CT Corporation System, Salem, Oregon, and by mail, the earliest date of service being January 24, 2017, pursuant to the Proof of Service document provided herewith.

(3) No further proceedings have been had in the Circuit Court of Multnomah County, Oregon, as of the date of filing this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

(4) This is a civil action over which this Court has original jurisdiction pursuant to 28 USC §1332. This action may be removed pursuant to 28 USC §1441 because the action includes a controversy between a citizen of Oregon and citizens of Minnesota; and the amount in controversy exceeds \$75,000, inclusive of interest and costs.

(5) That, based upon information and belief, Target believes Plaintiff was when she filed her Complaint and now is a citizen and resident of Clark County, State of Washington.

(6) Defendant Target was when Plaintiff filed her Complaint and is now a corporation incorporated under the laws of the State of Minnesota, with their principal place of business in the State of Minnesota.

(7) Plaintiff alleges money damages of more than \$75,000, exclusive of interest and costs. See Exhibit 1, page 2.

REMOVAL TO THIS DISTRICT IS PROPER

(8) Pursuant to 28 USC §§1332, 1441, and 1446, removal of the above-captioned state court action to this court is appropriate.

(9) Pursuant to 28 USC §1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

(10) Target is providing to Plaintiff, through their lawyers, written notice of the filing of this Notice of Removal. Furthermore, Target is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Multnomah County, Oregon, where the action is currently pending.

DATED this 17th day of February, 2017.

BRISBEE & STOCKTON LLC

By: /s/ William H. Stockton -
William H. Stockton, OSB #743163
whs@brisbeeandstockton.com
Attorneys for Defendant
P. O. Box 567
Hillsboro, Oregon 97123
503-648-6677

In the Circuit Court of the State of Oregon

For the County of MULTNOMAH

CHANDRA HEWES,

Plaintiff,

vs.

TARGET CORPORATION,

Defendants.

CASE NO.: 17CV01026

SUMMONSTo: TARGET CORPORATION, 388 State Street, Suite 420, Salem, Oregon 97301, Defendant:

You are hereby required to appear and defend the complaint filed against you in the above entitled action within thirty (30) days from the date of service of this summons upon you, and in case of your failure to do so, for want thereof, plaintiff(s) will apply to the court for the relief demanded in the complaint.

NOTICE TO THE DEFENDANT: READ THESE PAPERS CAREFULLY!

You must "appear" in this case or the other side will win automatically. To "appear" you must file with the court a legal paper called a "motion" or "answer." The "motion" or "answer" must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff's attorney or, if the plaintiff does not have an attorney, proof of service upon the plaintiff.

If you have any questions, you should see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

SIGNATURE OF ATTORNEY/AUTHOR FOR PLAINTIFF

Matthew Philbrook, OSB# 110694
2412 Main Street
Vancouver, WA 98660
(360) 695-3309

Matthew Philbrook, OSB# 110694

TRIAL ATTORNEY IF OTHER THAN ABOVE

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above entitled action.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS: You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual(s) or other legal entity(ies) to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attach hereto.

ATTORNEY OF RECORD FOR PLAINTIFF(S)

1/13/2017 8:34:55 AM
17CV01026

IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MULTNOMAH

CHANDRA HEWES,)	
)	NO.
Plaintiff,)	
)	COMPLAINT
vs.)	
)	A CLAIM FOR \$999,999.00
TARGET CORPORATION,)	
)	Filing Fee is \$531.00 per ORS 21.160(1)(c)
Defendant.)	
)	Not Subject to Mandatory Arbitration

I. JURISDICTION

1. Plaintiff, CHANDRA HEWES, is now and at all material times hereto a resident of Clark County, Washington.
2. Defendant, TARGET CORPORATION, is now and at all material times hereto a business operating in Multnomah County, Oregon.
3. On January 17, 2015, Plaintiff Chandra Hewes was a patron at the Target shopping center located at 555 N. Tomahawk Island Drive, Portland, Oregon 97217.
4. On January 17, 2015, Plaintiff Chandra Hewes slipped on an unmarked wet spot, falling to the ground.

FIRST CLAIM FOR RELIEF
NEGLIGENCE

5. Plaintiffs assert and allege paragraphs one through four.

COMPLAINT - 1

THE LAW OFFICE OF
MATTHEW PHILBROOK
2412 Main Street
Vancouver, WA 98660
Phone: (360) 695-3309
Fax: (360) 592-1020

6. Defendant, as an invitee has a duty to provide a safe premises for it's patrons to shop, free from defect or dangerous conditions, in accordance with the laws of the State of Oregon.

7. Defendant failed to obey the law by failing to maintain its premises free from a dangerously slippery floor, after being put on notice with time to cure the condition.

8. As a result of Defendants negligence, Plaintiff sustained injuries to her person. As a result of these injuries, Plaintiff sustained \$102,013.30 in medical expenses.

WHEREFORE Plaintiff seeks the following relief:

1. A Judgment in favor of Plaintiff and against the Defendant in the amount of \$897,985.70 in non-economic damages.

2. A Judgment in favor of Plaintiff and against the Defendant in the amount of \$102,013.30 in economic damages.

3. An award in favor of the Plaintiffs and against the Defendant for Plaintiff's attorney fees and costs incurred as a result of this action.

4. Any other remedy the court deems just and equitable.

DATED this 12th day of January, 2017.

s/ Matthew Philbrook
MATTHEW PHILBROOK, WSBA #31578
2412 Main Street
Vancouver, Washington 98660
Phone: (360) 695-3309
Fax: (360) 597-4020
Matthew@Philbrook-Law.com
Of Attorneys for Plaintiff

COMPLAINT - 2

THE LAW OFFICE OF
MATTHEW PHILBROOK
2412 Main Street
Vancouver, WA 98660
Phone: (360) 695-3309
Fax: (360) 597-4020

COPY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CHANDRA HEWES,
Plaintiff,

CASE NO. 17CV01026

v.

PROOF OF SERVICE

TARGET CORPORATION,
Defendant.

State of OREGON)
) ss.
County of Multnomah)

I hereby certify that I made Office Service of the

Summons; Complaint

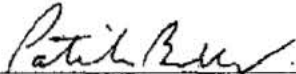
upon the individuals and other legal entities to be served, named below, by delivering or leaving true copies of said documents, mentioned therein, each of which was certified to be a true copy of each original upon

Target Corporation, Defendant, at the office which is maintained for the conduct of business at

Registered Agent CT Corporation System, 388 State St, Ste 420, Salem, OR 97301, by leaving such true copy with

Rylynn Poole, the person who is apparently in charge, on Tuesday, January 24, 2017, during normal working hours at 2:35 P.M.

I further certify that I am a competent person 18 years of age or older; that I am a resident of the state of service or the State of Oregon; that I am not a party to nor an officer, director or employee of, nor attorney for any party to this case, corporate or otherwise; and that the person, firm or corporation served by me is the identical person, firm or corporation named in the action.



DATED: 1/26, 2017

SIGNATURE

Server: Patrick Buckley

PROOF OF SERVICE - 1

BUCKLEY PROCESS SERVICE
Portland, OR
(503) 890-2222

COPY

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

CHANDRA HEWES,
Plaintiff,

v.

TARGET CORPORATION,
Defendant.

CASE NO. 17CV01026

CERTIFICATE OF MAILING

State of OREGON)
County of Multnomah) ss.

I hereby certify that I completed service of the Summons, Complaint upon those individuals and other legal entities so entitled and named below:

Target Corporation, by mailing him/her/them a true copy of each original document and the proof of service via first class mail, sealed in a postage prepaid envelope and deposited in the United States mail at Portland, Oregon, on Thursday, January 26, 2017.

Mailed to: Target Corporation, c/o Registered Agent, CT Corporation System, 388 State St, Ste 420,
Salem, OR 97301

DATED: 1/26, 2017

Signed:

Printed Name: Patrick Buckley

CERTIFICATE OF MAILING - 1

BUCKLEY PROCESS SERVICE
Portland, OR
(503) 890-2222

Buckley Process Service
PO Box 14482
Portland, OR 97293

PORTLAND
OR 970
26 JAN '17
PM 3-1



FOREVER



FOREVER



Target Corporation
c/o Registered Agent
CT Corporation System
388 State St, Ste 420
Salem, OR 97301

97301-356120

